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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/692,824	10/19/2000	Jose Murilo Mourao	MITA 17.869	6759
26304	26304 7590 03/07/2006		EXAMINER	
	IUCHIN ROSENMAN	LLP	KASTLER,	SCOTT R
575 MADISON AVENUE NEW YORK, NY 10022-2585			ART UNIT	PAPER NUMBER
	,		1742	

DATE MAILED: 03/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)		
Office Action Summary		09/692,824	MOURAO ET AL.		
		Examiner	Art Unit		
		Scott Kastler	1742		
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply					
A SHO WHIC - Exten after S - If NO - Failur Any re	DRTENED STATUTORY PERIOD FOR REPLY HEVER IS LONGER, FROM THE MAILING DA sions of time may be available under the provisions of 37 CFR 1.13 SIX (6) MONTHS from the mailing date of this communication. period for reply is specified above, the maximum statutory period we e to reply within the set or extended period for reply will, by statute, eply received by the Office later than three months after the mailing d patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tirr vill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).		
Status					
2a)☐ 3)☐	Responsive to communication(s) filed on <u>02 Fe</u> This action is FINAL . 2b)⊠ This Since this application is in condition for allowar closed in accordance with the practice under <i>E</i>	action is non-final. nce except for formal matters, pro			
Dispositie	on of Claims				
5)⊠ 6)⊠ 7)□	Claim(s) 17-32 and 34-43 is/are pending in the 4a) Of the above claim(s) is/are withdrave Claim(s) 34-43 is/are allowed. Claim(s) 17-32 is/are rejected. Claim(s) is/are objected to. Claim(s) are subject to restriction and/or	vn from consideration.			
Application	on Papers				
9) 10) 1	The specification is objected to by the Examiner The drawing(s) filed on is/are: a) access Applicant may not request that any objection to the of Replacement drawing sheet(s) including the correction The oath or declaration is objected to by the Ex	epted or b) objected to by the Eddrawing(s) be held in abeyance. See ion is required if the drawing(s) is obj	e 37 CFR 1.85(a). ected to. See 37 CFR 1.121(d).		
Priority u	nder 35 U.S.C. § 119				
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 					
2) D Notice	of References Cited (PTO-892) of Draftsperson's Patent Drawing Review (PTO-948)	4)	ite		
	nation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) No(s)/Mail Date	5) Notice of Informal P	atent Application (PTO-152)		

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/2/2006 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 17-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nachtman et al. Nachtman et al teaches a composite particle and method of making, where the particle comprises a core (11) which may be of fine iron ore (see col. 3 lines 28-37) and a sealing layer (12) which may be formed of a mixture of clay materials and pozzolanic materials (see claim 2 for example) where the clay material may be bentonite clay (see col. 4 lines 10-15 for example) and the pozzolanic material may be Portland cement (see col. 4 lines 34-36 for example), where the disclosure of Nachtman et al includes particle sizes and composition ranges broadly encompassing those instantly claimed, and where the composite particles are formed by contacting the core materials with an aqueous mixture of the sealing layer materials, thereby showing all aspects of the above claims except specifically reciting that the core be iron ore and

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the coating (sealing) layer be bentonite and Portland cement, although as stated above these materials are specifically stated as useful materials for the respective portions of the disclosed composite particles. It has been well settled that where the applied prior art teaches a range of compositions or properties overlapping a claimed range, motivation to select a particular range or value within the range disclosed by the applied prior art would have been a modification obvious to one of ordinary skill in the art at the time the invention was made. See MPEP 2144.05. In the instant case, since Nachtman et al specifically teaches that iron ore is useful for the core of it's claimed composite particle and a mixture of clay materials, including bentonite clay, and pozzolanic materials, including Portland cement are useful as the sealing layer of the composite particle, motivation to employ these components as the core and sealing layer materials of Nachtman et al, would have been a modification obvious to one of ordinary skill in the art at the time the invention was made.

Allowable Subject Matter

Claims 34-43 are allowed at least because none of the cited or applied prior art shows or fairly suggests a method of operating a direct reduction furnace with the recited coated material.

The closest cited prior art, Nachtman et al, is directed to the non-analogous method of employing a coated particle as part of a barrier forming layer.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Kastler whose telephone number is (571) 272-1243. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on (571) 272-1244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Scott Kastler Primary Examiner Art Unit 1742